

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SUZANNE KEEFER,)

Plaintiff,)

v.)

CIVIL ACTION NO. 04-187J

JAMES DURKOS, individually, MARY)

ELLEN DEAL, individually, DONNA)

YOUNKIN, individually, JANET VIRGIN,)

individually, JOHN DOE, individually, and)

JANE DOE, individually, and JAMES)

JUDGE GIBSON

DURKOS, MARY ELLEN DEAL, DONNA)

YOUNKIN, and JANET VIRGIN in their)

capacity as Directors of the Board of)

Education of the TURKEYFOOT VALLEY)

AREA SCHOOL DISTRICT,)

Defendants.)

Memorandum Order

AND NOW, this 30th day of June 2006, this matter coming before the Court on the Defendants' Motion to Compel Plaintiff's Testimony/Motion for Sanctions (Document No. 45), and after consideration of the Plaintiff's response (Document No. 85), the Court understands that the Defendants have not re-deposed the Plaintiff and that the Defendants' request for what are apparently attorney's fees incurred as a result of the filing of their Motion to Compel are described by no more than a phrase in their proposed order attached to that document, and the Defendants having not otherwise explained the basis for the assessment of \$500.00 fee request (*i.e.* the amount of time spent preparing the motion, which attorney prepared it, the experience of that attorney) associated with the filing of that nineteen

paragraph motion in accordance with the applicable procedure under F.R.C.P. 37, *see Washington v. Philadelphia Court of Common Pleas*, 89 F.3d 1031, 1037 (3d Cir. 1996), IT IS HEREBY ORDERED THAT the Defendants' request for attorney's fees in their Motion to Compel Plaintiff's Testimony/Motion for Sanctions (Document No. 45) is DENIED.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

**KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE**